GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:806
ANSWERED ON:04.03.2008
RELEASE OF PRISONERS
Pandey Dr. Laxminarayan;Rijiju Shri Kiren;Tripathi Shri Chandramani

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government of Andhra Pradesh ordered the release of approximately 1500 prisoners on 15th August 2007;

(b) if so, whether some of them were imprisoned for heinous crimes and some of them were facing life terms;

(c) if so, the details thereof;

(d) whether the Supreme Court has expressed reservation on the release of prisoners in such a manner; and

(e) if so, the reaction of the Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI MANIKRAO H. GAVIT)

(a): No, Sir.

(b) & (c): Does not arise.

(d) & (e) : The Supreme Court in its order dated 29th January, 2008 in Writ Petition(Crl.) No.135 of 2003 titled Anil Sharma vs. State of Haryana & Anr with connected matters has observed that since the alleged prematurely released 1500 hardcore prisoners were not brought before the court, it would be difficult to give effective relief in exercise of the power under Article 32 of the constitution. However if there are instances of the power being exercised arbitrarily by the State Government for the release of prisoner, it is open to the petitioner to challenge such arbitrary exercise of power before the High Court under Article 226 of the Constitution after impleading the prisoners released prematurely as respondents. Subject to the aforesaid observation the Supreme Court dismissed the writ petition.